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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,592	02/25/2000	Pulin R. Patel	067191.0110	7283

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Baker Botts LLP
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EXAMINER

YUN, EUGENE

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,592

Applicant(s)

PATEL ET AL.

Examiner

Eugene Yun

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-92 is/are pending in the application.
- 4a) Of the above claim(s) 26-45 and 71-87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25, 46-70 and 88-92 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 8-10. 6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Claims 1-25, 46-70, and 88-92 in Paper No. 5 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15, 19, 20, 24, 25, 46, 48-61, 65, 66, 69, 70, and 88-90 are rejected under 35 U.S.C. 102(b) as being anticipated by Van den Heuvel et al. (US 5,301,359).

Referring to Claim 1, Van den Heuvel teaches a method for brokering resources of a wireless communication network, comprising:

receiving a request for a wireless service at a geographic region (see col. 4, lines 10-17);

determining an availability of the wireless service at the geographic region (see col. 3, lines 56-57); and

generating a response to the request based on the availability of the wireless service, the response including one or more terms for the wireless service (see col. 4, lines 22-31).

Referring to Claim 46, Van den Heuvel teaches a system for brokering resources of a wireless communication network, comprising:

computer implementable instructions encoded in at least one computer processable medium 206 (fig. 2); and

the instructions operable upon processing to receive a request for a wireless service at a geographic region (see col. 4, lines 10-17), determine an availability of the wireless service at the geographic region (see col. 3, lines 56-57), and generate a response to the request based on the availability of the wireless service, the response including one or more terms for the wireless service (see col. 4, lines 22-31).

Referring to Claim 88, Van den Heuvel teaches an interface for a mobile communication device operable to use wireless services in connection with a wireless communications network, comprising:

computer implementable instructions encoded in at least one computer processable medium 206 (fig. 2); and

the instructions operable upon processing to provide a user interface configured to receive a plurality of service criteria for generating a request for wireless services at a geographic region, the service criteria comprising a geographic region (see col. 4, line 38), a price (see col. 3, line 68 and col. 4, lines 1-2), a time (see col. 4, lines 9-17), a

type of service (see col. 4, lines 36-46), and a bandwidth (see col. 3, lines 1-10) for the wireless service.

Referring to Claims 2 and 48, Van den Heuvel also teaches the request identifying a time for the wireless service (see col. 4, lines 9-17), and determining the availability of the wireless service at the given time (see col. 3, lines 57-68 and col. 4, lines 1-2).

Referring to Claims 3 and 49, Van den Heuvel also teaches the request identifying a bandwidth for the wireless service, and determining the availability of the wireless service at the geographic region for the bandwidth (see col. 3, lines 1-10).

Referring to Claims 4 and 50, Van den Heuvel also teaches the request identifying a type of service for the wireless service, and determining the availability of the wireless service at the geographic region for the type of service (see col. 4, lines 36-46).

Referring to Claims 5 and 51, Van den Heuvel also teaches the request identifying a price for the wireless service, and determining the availability of the wireless service at the geographic region at the price (see col. 3, line 68 and col. 4, lines 1-2).

Referring to Claims 6 and 52, Van den Heuvel also teaches the request identifying a network provider for the wireless service, and determining the availability of the wireless service at the geographic region from the network provider (see col. 4, lines 50-56).

Referring to Claims 7 and 53, Van den Heuvel also teaches the request identifying a service provider for the wireless service, and determining the availability of the wireless service at the geographic region from the service provider (see col. 3, lines 57-62).

Referring to Claims 8-13 and 54-59, Van den Heuvel also teaches the terms and the response comprising a price (see col. 3, line 68 and col. 4, lines 1-2), a time (see col. 4, lines 9-17), a type of service (see col. 4, lines 36-46), a bandwidth (see col. 3, lines 1-10), a network provider (see col. 4, lines 50-56), and service provider (see col. 3, lines 57-62) for the wireless service (see col. 4, lines 22-26).

Referring to Claims 14 and 60, Van den Heuvel also teaches the response comprising an offer for the wireless service, further comprising providing the wireless service in response to acceptance of the terms by a user (see col. 4, lines 22-31).

Referring to Claims 15 and 61, Van den Heuvel also teaches broadcasting the request to a plurality of network providers each having a wireless access network covering at least part of the geographic region (see col. 4, lines 36-46);

receiving a service plan from at least one of the network providers, the service plan based on an availability of the wireless service at the geographic region in the wireless access network of the network provider (see col. 4, lines 50-54); and

generating the response based on service plans from the network providers (see col. 4, lines 55-60).

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Referring to Claims 19, 65, and 90, Van den Heuvel also teaches a graphical user interface on a mobile device, the graphical user interface configured to receive the request for the wireless service at the geographic region (see col. 4, lines 56-60).

Referring to Claims 20 and 66, Van den Heuvel also teaches the GUI configured to receive a plurality of service criteria (see col. 4, lines 3-9), the service criteria comprising a geographic region (see col. 4, line 38), a price (see col. 3, line 68 and col. 4, lines 1-2), a time (see col. 4, lines 9-17), a type of service (see col. 4, lines 36-46), and a bandwidth (see col. 3, lines 1-10) for the wireless service.

Referring to Claims 24 and 69, Van den Heuvel also teaches negotiating at least one of a plurality of service criteria for the wireless service with a requester of the wireless service (see col. 4, lines 40-46), the service criteria comprising a geographic region (see col. 4, line 38), a price (see col. 3, line 68 and col. 4, lines 1-2), a time (see col. 4, lines 9-17), a type of service (see col. 4, lines 36-46), and a bandwidth (see col. 3, lines 1-10) for the wireless service.

Referring to Claims 25, 70, and 89, Van den Heuvel also teaches the service criteria comprising at least one of a network provider (see col. 4, lines 50-56) and a service provider (see col. 3, lines 57-62).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16, 17, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van den Heuvel in view of Jankowitz (US 6,064,972).

Referring to Claims 16 and 62, Van den Heuvel teaches a graphical user interface (GUI) configured to receive the request for the wireless service at the geographic region (see col. 4, lines 56-60). Van den Heuvel does not teach providing an Internet site. Jankowitz teaches providing an Internet site (see 54 of fig. 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Jankowitz to said method of Van den Heuvel in order to expand the number of resources available to a user to provide the best service.

Referring to Claims 17 and 63, Van den Heuvel also teaches the GUI configured to receive a plurality of service criteria (see col. 4, lines 3-9), the service criteria comprising a geographic region (see col. 4, line 38), a price (see col. 3, line 68 and col. 4, lines 1-2), a time (see col. 4, lines 9-17), a type of service (see col. 4, lines 36-46), and a bandwidth (see col. 3, lines 1-10) for the wireless service.

6. Claims 18, 21, 47, 64, 67, and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van den Heuvel and Jankowitz in view of Craport et al. (US 5,961,569).

Referring to Claims 18, 21, 64, 67, and 91, the combination of Van den Heuvel and Jankowitz does not teach a graphical map displaying geographic areas for selection of the geographic region. Craport teaches a graphical map displaying geographic areas

for selection of the geographic region (see col. 10, lines 25-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Craport to said method of Van den Heuvel in order to make it easier for the user to obtain the best available wireless service.

Referring to Claim 47, Van den Heuvel does not teach software stored on a computer readable medium. Craport teaches software stored on a computer readable medium (see 921, 924, and 927 of fig. 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Craport to said method of Van den Heuvel in order to make it easier for the user to obtain and later select the best available wireless service.

7. Claims 22, 23, 68, and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van den Heuvel in view of Gerszberg et al. (US 6,424,646).

Van den Heuvel does not teach voice activated commands configured to receive the request for the wireless service at the geographic region. Gerzberg teaches voice activated commands configured to receive the request for the wireless service at the geographic region (see col. 8, line 27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Gerszberg to said method of Van den Heuvel in order to make it easier for the user to obtain and select the best available wireless service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun
Examiner
Art Unit 2683

EY
February 10, 2003



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